

REMARKS

Without acquiescing to the propriety of the rejections in the Office Action dated May 7, 2007, claims 1, 2, 8-10, 16, 17, 19 and 20 have been amended, claim 21 has been added, and claim 18 has been cancelled. Entry of these amendments, reconsideration of the present patent application, and allowance of all pending claims are respectfully requested in view of the remarks below. After entry of the amendments, claims 1-17, 19 and 20 are now pending.

Applicant gratefully acknowledges the time granted its representative, Blanche Schiller, in which the Office Action was discussed. The above listed amendments are believed to be in accordance with this conversation.

Specification Objections:

The title stands objected to and the following title has been adopted per the suggestion of the Office Action: "Air Cargo Yield Management System and Method Utilizing Booking Profiles in Unconstrained Demand".

Abstract Objections:

The abstract stands objected to as being longer than 150 words and including unnecessary redundant language. The abstract has been amended and is believed to overcome these objections.

Claim Objections:

Claims 6-7 stand objected to because of the use of "therebetween" instead of "there between". Applicant respectfully disagrees with the Office Action's suggestion and requests a citation relative to the alleged grammatical error.

Claim Rejections Under 35 U.S.C. § 112:

Claims 17 and 18 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinitely for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 17 has been amended to include the subject matter of the method of claim 1, and thereby recite a computer program application. Claim 18 has been canceled. Thus, this rejection is believed to be overcome.

Claims 8-12 also stand rejected because claim 8 recites “the yield parameter” which the Office Action alleges lacks sufficient antecedent basis. Applicant respectfully points out that “a yield parameter” is recited in the preamble of claim 1 and thus this rejection is believed to be overcome.

Claim Rejections Under 35 U.S.C. § 101:

Claims 1-18 and 20 stand rejected under 35 U.S.C. § 101 because the claimed invention is alleged to be directed to non-statutory subject matter. This rejection alleges, *inter alia*, that the claimed invention lacks a concrete or tangible result. Claims 1, 17, 19 and 20 have been amended to recite that determination of an acceptance or rejection is provided to a display of a computing unit. Thus, this rejection is believed to be overcome.

Claim Rejections Under 35 U.S.C. § 103:

Claims 1-15 and 17-20 stand rejected under 35 U.S.C. § 103(a) as being obvious over Zeni, “Improved Forecast Accuracy in Revenue Management by Unconstraining Demand Estimates from Censored Data” dated October 2001. Initially, Applicant emphasizes that the cited reference is dated after the filing date of the present application and its application herein is most strenuously traversed.

Amended claim 1 of the present application recites, *inter alia*, an air cargo yield management method for optimizing a yield parameter resulting from assigning a capacity offered by a future instance of a cargo flight to each one of a plurality of different categories or requests competing for the capacity. The capacity is defined by a plurality of capacity variables.

Zeni discloses various methods and systems for an airline accepting passenger reservations presumably to maximize airline revenue. However, there is no disclosure, teaching or suggestion of an air cargo yield management method for optimizing a yield parameter resulting from assigning a capacity offered by a future instance of a cargo flight nor such a capacity being defined by a plurality of capacity variables. Instead, the cited reference describes methods for accepting or rejecting reservations for passenger seating based on an available

number of seats and not based on multiple variables as recited in claim 1. Accordingly, Zeni cannot disclose, teach or suggest all the features of claim 1.

Further, the Office Action states on page 15 that Zeni does not expressly teach utilizing more than one method for forecasting and/or unconstraining censored capacity demand as claimed, and specifically the booking profile method does not include assigning a probability to the historical booking profiles. Zeni is alleged however to teach a well-known application/assignment of probabilities to historical and capacity demand data to reflect the stochastic / probabilistic nature of capacity demand as well as to “fill in missing data”. It is alleged that it would have been obvious to use combinations of well-known and commonly used methods for unconstraining censored capacity demand data and forecasting potential capacity demand based on unconstrained historical capacity demand in view of teachings in Zeni wherein the goal of unconstraining censored data is to generate an estimated “demand” curve”. As indicated, Zeni discloses multiple methods of forecasting demand for airline passenger seating. However, there is no disclosure in this reference of assigning a capacity of future instance of a cargo flight nor such capacity being defined by a plurality of capacity variables. Instead, Zeni merely relates to forecasting flight passenger data and does not relate to air cargo flights nor defining capacity of such air cargo flights. Thus, Zeni could not disclose, teach or suggest all the features of claim 1 of the present application, which is therefore believed to be allowable. The other independent claims, along with the dependent claims, are believed to be allowable for at least the same reasons as claim 1 and for their own additional features.

Relative to claim 16, Kasilingam (“Air Cargo Revenue Management: Characteristics and Complexities” dated October, 1995) is alleged on page 26 of the Office Action to disclose a yield management system and method wherein a service consists of a cargo flight and capacity variables include weight and volume while a yield parameter consists of a revenue.

Pages 37-38 of the cited reference disclose cargo revenue management which includes balancing weight, volume, a number of container positions, the amount of space devoted to passengers, and the passengers’ bags. This reference discloses some of the problems associated with managing air cargo, particularly relating to a passenger flight, but the mere disclosure of these problems does not make it obvious to arrive at the subject matter of claim 1 of the present

application based on the proposed combination. As described above, Zeni does not disclose a capacity of a cargo flight which is defined by a plurality of variables. Further, there is no disclosure, teaching, or suggestion of determining an authorization to allocate capacity for each capacity variable of each category of a plurality of different categories of requests, nor providing a determination to a display of an acceptance or rejection of a request for a cargo flight based on such an authorization. Instead, the mere statement of the problem in Kasilingam relative to allocating passengers and cargo, and the methods disclosed in Zeni for maximizing revenue in passenger seating, would not result in the subject matter recited in claim 16 of the present application. Further, Zeni relates to passenger seating and thus one capacity variable while Kasilingam describes problems associated with flights including passenger seating and cargo placement, but there is no disclosure in either of the references of how multiple capacity variables might be taken into account when determining an authorization to allocate offered capacity of a cargo flight. In contrast, pages 8 and 9 of the present application, for example, disclose how two different variables (e.g., weight and volume) may be taken into account in allocating capacity of a cargo flight. Moreover, the proposed combination is mere hindsight reasoning in view of the features recited in the claims, which is improper. Accordingly, because the cited references, nor their combination, disclose, teach or suggest the subject matter of claim 16, this claim cannot be obvious over the proposed combination.

New Claim 21:

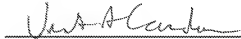
New claim 21 has been added based on the description on page 8 of the present patent application, for example. The introduction of new matter has been avoided, and this claim is believed to be allowable at least because the cited references do not teach, disclose, or suggest determining two sets of independent authorizations relating to a plurality of capacity variables utilizing a partial nesting policy.

CONCLUSION

For all of the above reasons, applicants respectfully submit that all claims pending herein are patentable over Ferguson. Therefore, applicants respectfully request an indication of allowability for all pending claims.

Should the Examiner wish to discuss this case with applicants' attorney, please contact applicants' attorney at the below listed number.

Respectfully submitted,



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Attachment: Petition for Extension of Time